



U.S. Department of Justice

*United States Attorney
Southern District of New York*

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

September 15, 2017

BY CM/ECF

Honorable Denny Chin
Thurgood Marshall United States Courthouse
40 Foley Square
New York, New York 10007

Re: *United States v. Nicholas Mitsakos, 16 Cr. 631 (DC)*

Dear Judge Chin:

The Government writes in response to defense counsel's letter dated September 14, 2017. In his letter, defense counsel asks the Court to admonish the Government for having "abruptly interrupted" his conversation with victims in this matter, and for having "advise[d] them in an aggressive tone that they are not obligated to speak with defense counsel." (Dkt. 55 at 1). The Government disputes the characterization of this conversation as "aggressive," which it was not; but in any event there is no basis for admonishment. The Government is aware of its professional obligations and the law in this area and routinely informs witnesses that they are under no obligation to speak to either party. Thus, defense counsel "do[es] not suggest [that] the Government's conduct here was improper," and, similarly, the Government recognizes that Mr. Creizman's statement to the victims that they "are also not obligated to speak with the Government" is also routine and unobjectionable. (*Id.*).

At the Court's request, the Government will confer with the defense in order to present a streamlined and efficient hearing on October 18, 2017.

Respectfully submitted,

JOON H. KIM
Acting United States Attorney

By: _____*/s/*
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cc: Eric Creizman, Esq. (counsel for defendant)